

06/12/01
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06-13-01

PTO/SB/05 (08-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

- Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
- Applicant claims small entity status.
See 37 CFR 1.27.
- Specification [Total Pages **25**]
(prefer arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (*if filed*)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
- Drawing(s) (35 U.S.C. 113) [Total Sheets **4**]
- Oath or Declaration [Total Pages **2**]
 - Newly executed (original or copy)
 - Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 17 completed)
 - DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
- Application Data Sheet. See 37 CFR 1.76

17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation Divisional Continuation-in-part (CIP)of prior application No.: **09/731,422**Prior application information: Examiner **Unknown**Group / Art Unit: **2151**For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

18. CORRESPONDENCE ADDRESS

<input type="checkbox"/> Customer Number or Bar Code Label	(Insert Customer No. or Attach bar code label here)			or	<input type="checkbox"/> Correspondence address below
------------------------------------------------------------	-----------------------------------------------------	--	--	----	-------------------------------------------------------

Name	David L. McCombs			
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Country	USA	Telephone	(214) 651-5533	Fax
				75202
				(214) 651-5940

Name (Print/Type)	David L. McCombs	Registration No. (Attorney/Agent)	32,271
Signature		Date 6/17-01	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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FEE TRANSMITTAL for FY 2001

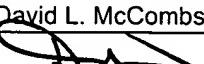
Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 782.00)

Complete if Known

Application Number	Continuation of 09/731,422
Filing Date	Herewith
First Named Inventor	Wipfel, et al
Examiner Name	Unknown
Group Art Unit	2151
Attorney Docket No.	26530.60

METHOD OF PAYMENT		FEE CALCULATION (continued)																																																																																																																																																																																																																																																																																																																																																																																																																										
1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to: Deposit Account Number 08-1394 Deposit Account Name Haynes and Boone, LLP <input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		3. ADDITIONAL FEES <table border="1"> <thead> <tr> <th>Large Entity Fee Code (\$)</th> <th>Small Entity Fee Code (\$)</th> <th colspan="8">Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td colspan="8">Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td colspan="8">Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td colspan="8">Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td colspan="8">For filing a request for ex parte reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td colspan="8">Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td colspan="8">Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td colspan="8">Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>390</td><td>216</td><td>195</td><td colspan="8">Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>890</td><td>217</td><td>445</td><td colspan="8">Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,390</td><td>218</td><td>695</td><td colspan="8">Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,890</td><td>228</td><td>945</td><td colspan="8">Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>310</td><td>219</td><td>155</td><td colspan="8">Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>310</td><td>220</td><td>155</td><td colspan="8">Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>270</td><td>221</td><td>135</td><td colspan="8">Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td colspan="8">Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td colspan="8">Petition to revive - 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SUBMITTED BY		Complete if applicable		
Name (Print/Type)	David L. McCombs	Registration No. (Attorney/Agent)	32,271	Telephone 214.651.5533
Signature		Date	6/12/01	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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**NONPUBLICATION REQUEST
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	Robert Wipfel
Title	METHOD FOR DETECTING AND RESOLVING . . .
Atty Docket Number	26530.60

I hereby certify that the invention disclosed in the attached application **has not and will not** be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

6.12.01

Date



Signature

Haynes & Boone, LLP
901 Main Street, Suite 3100
Dallas, Texas 75202-3789
214/651-5000 (phone)
214/651-5940 (fax)

David L. McCombs, Reg. No. 32,271

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: §
Wipfel et al. §
§
Serial No.: Continuation of 09/731,422 §
§
Filed: Herewith §
§
For: METHOD FOR DETECTING AND §
RESOLVING A PARTITION §
CONDITION IN A CLUSTER §

BOX NEW APPLICATION
Commissioner for Patents
Washington, D.C. 20231

EXPRESS MAIL CERTIFICATE

Express Mail Number: EL828065003US

Date of Deposit: 6-12-01

I hereby certify that the following attached papers and fee:

A New Continuation Utility Patent Application Transmittal; a Fee Sheet submitted in duplicate; Specification (25 pages); Drawing (4 sheets); a copy of executed Declaration/Power of Attorney (2 pages); Request for Non-Publication; a preliminary amendment; Information Disclosure Statement with attached Form PTO-1449; a check in the amount of \$782.00; and a return postcard

are being deposited with United States Postal Service "Express Mail Post Office to addressee" to the Commissioner for Patents, Washington, D. C. 20231.

Gayle Connor
Typed or Printed Name

Gayle Connor
Signature

6-12-01
Date